



## GRAY COUNTY BURN BAN ORDER

COUNTY OF GRAY §

STATE OF TEXAS §

### **ORDER PROHIBITING OUTDOOR BURNING**

**WHEREAS**, Section 352.081 of the Local Government Code provides that the commissioners court of a county, by order, may prohibit outdoor burning in the unincorporated areas of the county if the commissioners court makes a finding that circumstances present in the unincorporated area create a public safety hazard that would be exacerbated by outdoor burning; and,

**WHEREAS**, the Gray County Commissioners Court does hereby find that circumstances present in the unincorporated areas of Gray County create a public safety hazard that would be exacerbated by certain outdoor burning; and,

**WHEREAS**, Section 352.081 of the Local Government Code provides for exemptions from county burn bans for certified prescribed burn managers meeting the requirements of Natural Resources Code, Chapter 13, and the Gray County Commissioners Court believes that additional exceptions are warranted to reduce the likelihood of dangerous and uncontrolled wildfire.

**BE IT THEREFORE ORDERED**, that the following emergency regulations are hereby established for portions of the unincorporated areas of Gray County, Texas not subject to public ownership or stewardship for the duration of the above-mentioned declaration:

#### **1) ACTIONS PROHIBITED:**

Except as described hereinafter, a person violates this Order if he/she ignites or causes ignition of any combustible or vegetative material outside of an enclosure which serves to contain all flames and/or sparks, or orders such burning or ignition by others.

**2) ENFORCEMENT:**

Under notification of suspected outdoor burning, the fire department assigned to the location of the fire shall respond to the scene and take immediate measures to contain and extinguish the fire.

- a) If requested by a fire official, a duly commissioned peace officer, when available, shall be sent to the scene to investigate the nature of the fire.
- b) In accordance with Section 352.081 of the Local Government Code, a person who knowingly or intentionally violates this order commits a Class C Misdemeanor, punishable by a fine of up to \$500.
- c) If the responding peace officer finds that the person responsible for the fire is in violation of the above criminal act, a citation shall be issued for:  
VIOLATION OF BURN BAN ORDER.

**3) EXCEPTIONS:**

- a) This Order shall not apply to a prescribed burn conducted by burn personnel of a federal or state agency, or an institution of higher education for prescribed burns on agency owned or managed properties, for purposes of training local fire department personnel or prescribed burn managers.
- b) This Order shall not apply to a prescribed burn conducted for the purpose of research or demonstration by burn personnel of a state or federal agency, or institution of higher education.
- c) This Order shall not apply to burning of vegetative material when such burning is performed by an individual with appropriate training and experience in conducting burns and in accordance with a prescribed burn plan which:
  - a. Addresses the useful nature of such activity as a land and natural resource management tool:
  - b. Includes appropriate safety and protective measures: and
  - c. Is submitted and approved by the Gray County Office of Emergency Management (OEM) and/or the Fire Chief of the Volunteer Department or Emergency Services District where the burn site is located. The Gray County OEM shall promulgate rules and procedures for the submission and approvals of such activities.
- d) This Order shall not prohibit other lawful burning as may be permissible by rules established by the Texas Commission on Environmental Quality.
- e) This Order shall not prohibit prescribed burning by a commercial or private burn manager certified by the Texas Department of Agriculture, or by other individual or entities exempted by Section 352.081 of the Local Government Code.

- f) This Order shall not prohibit personal burning for household refuse, welding or other actions related to the act of welding, or agricultural incineration if such burning is not malicious and the following conditions are present prior to ignition:
- a. The relative humidity reading of the weather station at the CITY HALL OF PAMPA TEXAS is ABOVE 20% HUMIDITY.
  - b. The one-hour average wind speed is measured AT OR BELOW 20 MPH at the weather station at the CITY HALL OF PAMPA TEXAS.
  - c. Vegetation and structures are not within a 100' RADIUS of the INTENDED BURN AREA.
  - d. The Volunteer Fire Department Chief, or his designee, of the response area and OEM have been NOTIFIED AT LEAST 1-HOUR PRIOR to ignition.
  - e. The Volunteer Fire Department Chief of the response area and the EOM ASSUMES NO RESPONSIBILITY OR LIABILITY for uncontrolled burning resulting from personal burning for household refuse, welding or other actions related to the act of welding, or agricultural incineration.
  - f. The person that ignites the fire must have SUFFICIENT RESOURCES TO EXTINGUISH THE FIRE.

**BE IT ALSO ORDERED**, that the purpose of this Order is the mitigation of the public safety hazard posed by wildfires during the current dry weather period, by curtailing the practice of outdoor burning without specific approval of the Commissioners Court or without appropriate licensing from the state.

This Order prohibiting outdoor burning shall remain in effect for a period of 30 days and shall expire at the end of said period or upon the date the Gray County Commissioners Court, by Order, determines that the circumstances present in the unincorporated areas of Gray County no longer create a public safety hazard that would be exacerbated by outdoor burning, whichever occurs earlier.

ORDERED THIS 15<sup>th</sup> DAY OF November, 2023.

GRAY COUNTY COMMISSIONERS COURT

Chris Porter  
Gray County Judge Chris Porter

Logan Hudson  
Precinct 1 Commissioner Logan Hudson

Lake Arrington  
Precinct 2 Commissioner Lake Arrington

John Mark Baggerman  
Precinct 3 Commissioner John Mark Baggerman

Jeff Haley  
Precinct 4 Commissioner Jeff Haley

ATTEST: Jeanne Horton  
County Clerk Jeanne Horton

